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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,319	07/23/2001	Jeremy Mitts	MEDIA P-3 CIP	3594
28752	7590	01/12/2006		
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583				
			EXAMINER YENKE, BRIAN P	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/911,319	<b>Applicant(s)</b> MITTS ET AL.	
	<b>Examiner</b> BRIAN P. YENKE	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Amendment 15 Aug 05/Comments 02 Nov 05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 02 Nov 05 have been fully considered but they are not persuasive.

#### ***Applicant's Arguments***

a) Applicant states that Corey and/or Hullinger do not disclose "automatically contacting", "an inquiry client that is not currently accessing said server", a "non current inquiry client" and "the targeting of a prospective customer".

b) Applicant states that Hullinger is unrelated to an remote from automatically alerting a non-current inquiry client and automatically transmitting a tailored search resultant report.

#### ***Examiner's Response***

a) The examiner disagrees. Cory discloses a system which a user via terminal 76 requests queries (Fig 5a/b), or an operator/technician via control module 60 (Fig 1) to select which programs/video are captured by one or more receivers 24 (col 4, line 39-67). As shown in Fig 5B, once a search has been requested from a user (inquiry client---current or not, since the user just has to be current to request and may select from the list during another session (i.e. the user does not have to sit at the terminal awaiting results-----the results will wait for the user, step 528. The targeting of a prospective customer is met where does the user wish to view/select a

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program of the list which was generated, if so the user is obviously a customer, being targeted by the generated list/results.

b) The examiner disagrees. The examiner relied upon Hullinger to show “a server” which may store/retrieve/process data, since Corey did not explicitly recite such a conventional device. Corey as stated below recites a closed caption storage 72 (Fig 1, 2), in which a control module 60 receives the decoded closed caption data via decoder 52 and transforms all closed caption input data into a common closed caption format (col 5, line 31-34), for retrieval/searching/transmission of the appropriate data to the user.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corey, US 5,703,655 in view of Hullinger et al., US 6,295,092.

In considering claims 21-22, and 27-29, 24-28,

*a) the claimed a tuner...* is met by tuner receiver 24 (Fig 2)

*b) the claimed a decoder* is met by closed caption decoder 52 (Fig 2)

*c) the claimed a text handler* is met by closed caption formatter 204 (Fig 2) which transforms all closed caption data into a common format and outputs the caption data to at least a video retrieval index generator 212 and optionally to close caption storage 72 (col 5, line 31-57).

*e) the claimed a previously submitted search profile...* is met by user input device 76 (Fig 1).

*f) the claimed processing means...* is met by video retrieval system 20 where the closed-caption data is evaluated using engine 232, which evaluates a users/operators request using a context-free query evaluator and a semantic query evaluator 240 (Fig 7). The text thus stored in the storage 72, may contain any predetermined letters or characters defined by the search string implemented by a user.

However, Corey does not explicitly recite the use of a server (limitation d). Corey does disclose the storage of text files both in closed caption storage 72 and generator 212.

Corey discloses a video retrieval system 20 which can interact with a plurality of users, plurality of video signal sources/tuners, where the control module 60/formatter 204 transforms all closed caption input data into a common input and output the data to at least an index generator 212 and optionally to a closed caption storage 72 (Fig 1, 2). Corey also discloses a control module 60 which receives the decoded closed caption data via decoder 52 and transforms all closed caption input data into a common closed caption format (col 5, line 31-34).

Hullinger et al., US 6,295,092 discloses a system for analyzing television programs, where a capture machines 14, 16 and 18 which capture the video, audio as well as the closed captioned data and correspondingly the machines break the news stories into segments and classify the contents accordingly. The machines 14, 16 and 18 then transfer the analyzed data to the user interface 24 via server 20.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify, Corey , which discloses the acquisition/retrieval/transmission of video/audio/cc data, where a plurality of users can access closed caption storage 72 via control module 60, with Hullinger, to utilize control module 60 as a server which can also provide data/retrieval to a plurality of users.

In considering claims 23-24 and 20-31 and 40,

Corey does not specifically disclose the printable document having information that identifies the inquiry client. Corey does disclose that the documents are identified by titles indicating the category.

The annotation in a search/retrieval system which identifies the requester and the source of the information is conventional in the art. The examiner relies on Hullinger which discloses that the broadcast source is identified in the generated results.

Regarding the document including the inquiry client, both Corey and Hullinger disclose transmitting to the user the information requested. Thus although the record/text might not include the name/inquiry client, the transmission of the document to the appropriate user out of a plurality of users, performs identification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Corey and Hullinger which provide a search resultant television system which allows the user(s) to search/retrieve desired information, and transmitting back to the user the requested/desired information, by also including on the document the user requesting the information, in the event more than one user is utilizing the same computer/PC, which would readily provide the results to the appropriate user.

In considering claims 25, 32 and 39,

Neither Corey nor Hullinger disclose an embedded link. However, the use of an embedded link provided to a user to access additional information is widely known and conventional in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Corey and Hullinger which provide a search resultant television system which allows the user(s) to search/retrieve desired information, and transmitting back to the user the requested/desired information, by also including an embedded link in the information provided to the user to allow the user access to additional information if available.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7353.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.X.  
08 January 2006



BRIAN P. YENKE  
PRIMARY EXAMINER